

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUGLAS AUTOTECH
CORPORATION,

Plaintiff,

v.

THE SCOTT FETZER
COMPANY,

Defendant.

Case No. 1:07-CV-1062

Hon. Richard Alan Enslen

ORDER

Plaintiff Douglas Autotech Corporation has filed a timely Motion for Reconsideration of the Court's Opinion and Judgment of January 23, 2008 dismissing this action. Upon review of the Motion and Response, oral argument is unnecessary. *See* W.D. Mich. L. Civ. R. 7.4(b).

Pursuant to Western District of Michigan Local Civil Rule 7.4(a), reconsideration is proper only when the movant "demonstrate[s] a palpable defect by which the Court and the parties have been misled . . . [and] that a different disposition must result from the correction thereof." Plaintiff's Motion fails this standard and those applicable under Federal Rule of Civil Procedure 60(b). The record shows that the Douglas Autotech property was a single facility as to which a single limitation period applied under CERCLA. This action was filed too late and neither equity nor any rule of law support extension of the limitation period. For these and other reasons argued in the Response;

IT IS HEREBY ORDERED that Plaintiff Douglas Autotech Corporation's Motion for Reconsideration (Dkt. No. 15) is **DENIED**.

DATED in Kalamazoo, MI:
March 24, 2008

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE